

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DY-0577

(Inmate Number)

Phan Huu

(Name of Plaintiff)

660 State Route 11

(Address of Plaintiff)

Hunlock Creek, Pa. 18621

vs.

James Updike; Joseph

Mataloni; Edward O'

Brian; Dale Hazel

(Names of Defendants)

In their individual & official capacities.

COPY

1: CV01-1064

(Case Number)

COMPLAINT

FILED
SCRANTON

JUN 15 2001

PER: (RMF)

DEPUTY CLERK

Capacities.

TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N. A.

II. Exhaustion of Administrative Remedies

A. Is there a grievance procedure available at your institution?

 Yes No

B. Have you filed a grievance concerning the facts relating to this complaint?

 Yes NoIf your answer is no, explain why not N. A.

C. Is the grievance process completed? Yes

No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant James Updike is employed as Physician's Asst. at S.C.I. Retreat;

B. Additional defendants Joseph Montaloni is the Chief Health Care Administrator at S.C.I. Retreat; Edward O'Brian is the Culinary Manager at S.C.I. Retreat; Male [Cont.]

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. On Feb. 28th, 2000, while working in the kitchen area, I had an accident which seriously injured my shoulder & knocked out teeth;
2. I was taken to the outside hospital where the Emergency room Physician informed me that I would need to see a bone specialist & prescribed medication;
3. Subsequent to my return to the institution, defendant Updike discontinued my medication; Confiscated my shoulder restraint & refused [Cont.]

III: B: Additional defendants Cont.:

Hazlak is Unit manager at
S.C.I. Retreat.

IV. (3) statement of claim Cont.:

To Schedule me to see the
Bone Specialist;

Defendant Matoloni was ap-
prised of my inability to use my
arm or move my shoulder & he ac-
quiesced to the continuation of
denying me the prescribed medication
The continued denial of my shoulder/
Arm restraint-harness, the contin-
ued refusal to honor the outside
doctor's referral to a Bone Specialist
& when defendant O'Brien & defen-
dant Hazlak were adamant about not
Letting me off of work, concurred

IV. (3) statement of claim Cont. :

with their forcing me to work because they feared I was going to sue over the conditions of the workplace hence the subsequent injury.)

Defendant O'Brian would not recognize my injury thus my inability to work & used all his officia l pressure to see (1) that my injury was not recognized, (2) that I be made to work.

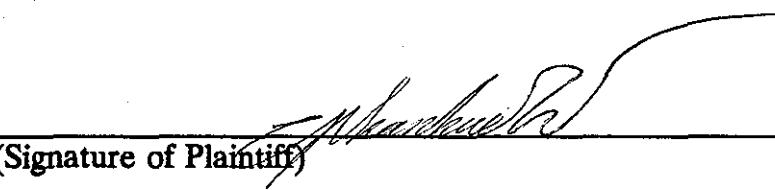
Defendant Harbok retaliated against me by seeing that I was punished for refusal to work based upon my contentions of the 8th Cruel & Unusual punishment violations & my attempts to get the prescribed medical attention.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

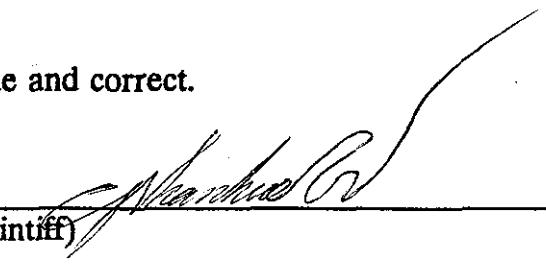
1. repair of my medical maladies resulting from the work accident, expungement of the misconduct from my record simply for fighting for my Constitutional Rights.
2. monetary Compensation awarded by a jury I commensurate with the physical & psychological pain/dures suffered to date;
3. Punitive damages in the amount of \$10,000.00 from each defendant so that they do not put another individual through the same trauma.

Signed this 12 day of June 2001.


(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

6-12-2001
(Date)


(Signature of Plaintiff)